

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

BRIAN SCHWEITZER  
GOVERNOR



JOHN BOHLINGER  
LT. GOVERNOR

March 15, 2010

The Honorable Ken Salazar, Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Secretary Salazar,

I know you are familiar with the recent *Memorandum of Understanding and Cooperation on Environmental Protection, Climate Action, and Energy* between Montana and British Columbia. One of its central provisions involves the North Fork of the Flathead River and the removal of three decades of threats to this watershed by proposed industrial development on either side of the international border. On February 18, British Columbia Premier Gordon Campbell and I signed this long-sought agreement, wherein our two governments agreed to work to provide protections that would remove all such potential industrial-level coal, oil, gas, and gold extraction activities from this drainage. We were delighted that this signing was witnessed by representatives of the two tribal nations on each side of the border. They have cared for this landscape for countless generations.

This pristine area encompasses the western boundary of Glacier-Waterton International Peace Park and the North Fork of the Flathead River, which flows into the renowned Flathead River and then into Flathead Lake, the largest and purest freshwater lake west of the Mississippi River. Citizens and governments from both sides of the border have agreed that protection of this special place and its wildlife and water quality is of paramount importance.

In the case of *Conner v. Burford*, the Ninth Circuit Court of Appeals in 1988 determined a significant number of the existing mineral leases on the Flathead National Forest to have been issued in violation of the National Environmental Policy Act and the Endangered Species Act. As a result of the litigation, the Department of Interior issued a Decision suspending the leases in question, effective March 1, 1985.

The Secretary of the Interior has authority to cancel these leases under 43 CFR 3108.3(d), which states: "Leases shall be subject to cancellation if improperly issued." The federal regulation authorizing such cancellation was adopted in 1983 and codified Interior's existing practice. I respectfully request that you utilize your authority to cancel all existing mineral leases on the Flathead National Forest that have been determined by the Department of the Interior to have been improperly issued from 1982 to 1984 under then Secretary of Interior James Watt.

I look forward to hearing from you in response to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Schweitzer".

BRIAN SCHWEITZER  
Governor